IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8366 OF 2006

Swami Vivekanand Shikshan Sanstha .. Petitioners

V/s

State of Maharashtra & Ors. .. Respondents

Mr.Sugandh Deshmukh for the Petitioners.

Mr.V.P. Malwankar, A.G.P. for Respondents No.1 and 4.

Mr.R.G. Ketkar for Respondents No.2 and 3.

CORAM : H.L. GOKHALE, ACG. CJ. &
V.M. KANADE, J.

DATE : 18TH JANUARY 2007

P.C. :

1. Heard the counsel for the parties.

2. The Petitioners had applied for starting the course of B.Sc. Biotechnology (Entire) during the academic year 2006-07. The Academic Council of Respondent No.2 University had granted approval, but as per the procedure, the Government's clearance was required. It appears that the Government had no objection as such, but because of the impending elections, the approval letter from the State Government was not issued.

3. Mr.Malwankar, A.G.P. has shown us the concerned file from the Higher and Technical Education Department wherein there are clear notings to that effect He further states that as soon as the Municipal / Zilla Parishad elections are over, the necessary letter will be issued. Now, as far as the Zilla Parishad elections are concerned, they have been postponed. That being so, after the Municipal elections are over, the necessary letter should be issued by the concerned department and we direct the Government to issue the necessary letter within 4 weeks from the date of declaration of the Municipal election results.

4. Mr.Ketkar for the Respondent University points out that though this clearance from the State Government was not available, the Petitioner Institute admitted some 37 students during the academic year 2006-07. He states that with a view not to cause any prejudice to the students, the University has already taken a decision to permit them to appear through other college/institute. That takes care of the students. The Government’s proposal is to grant this approval with effect from the academic year 2006-07. As far the academic year 2006-07 is concerned, it will be over by end of March-April 2007 and the occasion to admit further students will arise in June 2007. In all

probability, all the necessary procedures will be completed before that. Needless to state that until that is done, the college is not expected to enroll the students for the subsequent academic year. If there is any delay, the forms of the students will be accepted by taking necessary fee for the ensuing examination.

5. Petition stands disposed of with the above order.

ACTING CHIEF JUSTICE

V.M. KANADE, J.